

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SHELBY PATTERSON,)
Plaintiff,)
v.)
BRISTOL WEST INSURANCE) No. 4:20-CV-65-SEP
COMPANY, et al.,)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on review of the file following self-represented Plaintiff Shelby Patterson's (Plaintiff) filing of an Amended Complaint in response to the Court's Memorandum and Order dated February 27, 2020. Because the Court finds Plaintiff's Amended Complaint contains allegations that defeat the existence of diversity jurisdiction, the Court will dismiss this action for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3).

On February 27, 2020, the Court issued a Memorandum and Order identifying specific defects in Plaintiff's jurisdictional allegations regarding diversity of citizenship. The Court noted that Plaintiff had not alleged the citizenship of Defendants Bristol West Insurance Company, Farmers Insurance Company, Scottsdale Indemnity Company, and SDI Subrogation Division. Additionally, Plaintiff had included a non-diverse defendant, Quantrell Weeks. The Court also noted that Plaintiff had not supplied competent proof that the amount in controversy would exceed the jurisdictionally required amount of \$75,000.

On May 1, 2020, Plaintiff responded to the Court's Memorandum and Order by filing an Amended Complaint. Doc. [7]. In his Amended Complaint, Plaintiff alleges facts to establish the diversity of citizenship among the parties. He also dismisses all allegations brought against the

non-diverse defendant, Quantrell Weeks. Finally, he pleads an amount in controversy in excess of \$75,000.

Plaintiff adds to his Amended Complaint, however, two new non-diverse defendants—Jennifer Elking and C&J Car Rental STL, Inc. (“C&J Car Rental”). *See id.* ¶¶ 10-11 and 19-20.¹ Plaintiff alleges Defendant Jennifer Elking is a citizen of the State of Missouri. *Id.* at 10. Although Plaintiff has not alleged Defendant C&J Car Rental’s state of incorporation and principal place of business, he identifies it as a car rental agency located at 10700 Lambert International Boulevard, St. Louis, Missouri. Plaintiff himself is a citizen of the State of Missouri. *Id.* at ¶ 3. As stated in the Court’s prior Memorandum and Order, the diversity jurisdiction statute, 28 U.S.C. § 1332, requires complete diversity of citizenship between plaintiffs and defendants. *Buckley v. Control Data Corp.*, 923 F.2d 96, 97, n.6 (8th Cir. 1991). “Complete diversity of citizenship exists where no defendant holds citizenship in the same state where any plaintiff holds citizenship.” *OnePoint Solutions, LLC v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007).

“Courts have an independent obligation to determine whether subject-matter jurisdiction exists[.]” *Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010). “Federal courts are courts of limited jurisdiction. The requirement that jurisdiction be established as a threshold matter springs from the nature and limits of the judicial power of the United States and is inflexible and without exception.” *Kessler v. Nat'l Enters. Inc.*, 347 F.3d 1076, 1081 (8th Cir. 2003) (quotation marks and quoted case omitted). The statute conferring diversity jurisdiction in federal court is to be strictly construed. *Sheehan v. Gustafson*, 967 F.2d 1214, 1215 (8th Cir. 1992).

¹ Plaintiff’s Amended Complaint was docketed as a response to the Court’s Memorandum and Order dated February 28, 2020. *See Doc. [7]*. As such, the Court’s docket does not reflect in its caption Defendants Jennifer Elking and C&J Car Rental. These Defendants are identified in the body of the Amended Complaint.

Plaintiff's Amended Complaint contains jurisdictional allegations as to Defendants Jennifer Elking and C&J Car Rental that defeat diversity jurisdiction under 28 U.S.C. § 1332. The Court therefore concludes that Plaintiff, having been given notice and an opportunity to amend his Complaint, has failed to meet his burden to plead with specificity facts showing that complete diversity of citizenship exists among the parties. *See Barclay Square Props. v. Midwest Fed. Sav. & Loan Ass'n of Minneapolis*, 893 F.2d 968, 969 (8th Cir. 1990). As a result, this case will be dismissed for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3).

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** for lack of subject matter jurisdiction.

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 26th day of June, 2020.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE